

Chairman's Message

As Chairman of the Interstate Mining Compact Commission (IMCC) for 2009, it is my pleasure to submit to you the Commission's annual report. The past year has been an eventful and challenging one for the Compact. Perhaps the most far-reaching was a Memorandum of Understanding (MOU) between the U.S. Environmental Protection Agency, the U.S. Department of the Interior and the U.S. Army Corps of Engineers which sought to reduce "the harmful environmental consequences of surface coal mining operations in six Appalachian states, while ensuring that future mining remains consistent with federal law." Out of this MOU have grown several policy and rulemaking initiatives, one of which would redefine federal oversight of state regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA). IMCC has been at the forefront of protecting the interests of the states and articulating our concerns about the impact of these new directions on state/federal relations.

The year 2009 also saw continuing challenges with respect to federal funding for state regulatory programs, particularly as both the federal budget and state budgets continue to reel from the economic downturn of recent years. These funding challenges will likely continue unabated in the coming years and IMCC will need to be vigilant and consistently engaged in the battle to hold the bottom line.

IMCC spent considerable time on noncoal/hardrock mining issues during the past year as well, hosting a "Summit of the States on the Regulation of Noncoal Minerals" in November and providing state input on Mining Law reform legislation and Good Samaritan protection for liability associated with abandoned hardrock mining reclamation work. IMCC was also engaged on several other key issues for the states including mine placement of coal combustion by-products, mine safety and health, and financial responsibility requirements for mining operations under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

It has been my privilege to serve as your Chairman during the past year. I encourage all of the states to continue their active support of the Compact as we strive to advance the protection of our natural resources while maintaining an efficient and productive mining industry.

John Hoeven
Governor of North Dakota
Chairman
Interstate Mining Compact Commission

**2009 Annual Report
of the
Interstate Mining Compact Commission**

Gregory E. Conrad
Executive Director

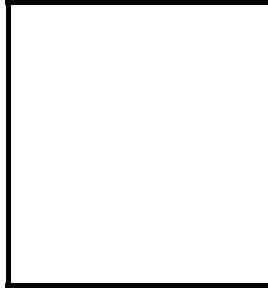
Beth A. Botsis
Director of Programs

445-A Carlisle Drive
Herndon, Virginia 20170
Phone: 703.709.8654
Fax: 703.709.8655
Web Site:
<http://www.imcc.isa.us>
E-Mail:
gconrad@imcc.isa.us
bbotsis@imcc.isa.us

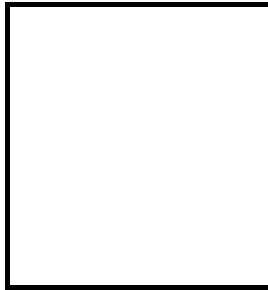
Table of Contents

2009 Officers	1
History and Purpose of the Compact	2
Report of the Executive Director	3
Standing Committees	9
Activities of the Standing Committees	10
Committees and Committee Chairmen and Vice Chairmen for 2010	13
Yearly Commission Meetings	14
Officers Elected for 2010	15
Resolutions	16
Financial Reports	24
Member State Permitting Data	27
Member State Reclaimed Land Use Data	31
2009 Kenes C. Bowling Reclamation Award Winners	33
Photo Section — 2009 Kenes C. Bowling Reclamation Award Winners	34
2009 Mineral Education Award Winners	35
2009 IMCC Membership	36
2010 Commissioners and Their Representatives	45

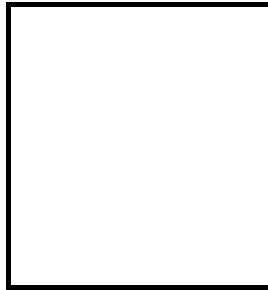
2009 Officers



Governor John Hoeven
North Dakota — Chairman



Governor David A. Paterson
New York – Vice Chairman



Governor Phil Bredesen
Tennessee — Treasurer

History and Purpose of the Compact

The Southern Governors' Conference Meeting in San Antonio, Texas in 1964 recognized and came to grips with the problems of surface mining. Governor Edward R. Breathitt of Kentucky and Governor Bellmon of Oklahoma sponsored a resolution which in part read: "Whereas the Council of State Governments sponsored an interstate conference, in which surface mining problems of the states were reviewed, and whereas such conference underlined the desirability of action by industry to utilize techniques designed to minimize waste of our natural resources and the desirability of action by the states to assure adherence to sound standards and procedures by the mining industry: Now, therefore, be it resolved by the Southern Governors' Conference that the Council of State Governments be requested to assist representatives of the states in which surface mining takes place in exploring the possible role of interstate action, through Compact and otherwise, in this field."

The Interstate Mining Compact Commission (IMCC) was thus conceived and Kentucky became its first member followed by Pennsylvania and North Carolina. With the entry of Oklahoma in 1971, the Compact was declared to be in existence and operational. In February 1972, permanent headquarters were established in Lexington, Kentucky and an executive director was retained. Since that time, twenty additional states — West Virginia, South Carolina, Maryland, Tennessee, Indiana, Illinois, Texas, Alabama, Virginia, Ohio, Louisiana, Arkansas, New Mexico, Missouri, New York, North Dakota, Utah, Wyoming, Alaska and Colorado — have become members. New Mexico withdrew from the Compact in 1991 as a full member but rejoined as an associate member in 2000. New York joined the Compact as its first associate member state in 1994. Since then the following states have also joined as associate members: North Dakota (2000), Utah (2004), Wyoming (2005), Alaska (2006), and Colorado (2007). New York and North Dakota are now full members.

The Mining Compact is designed to be advisory, not regulatory in nature, and its defined purposes are to:

- ▶ Advance the protection and restoration of the land, water, and other resources, affected by mining;
- ▶ Assist in the reduction or elimination or counteracting of pollution or deterioration of land, water, and air attributable to mining;
- ▶ Encourage (with due recognition of relevant regional, physical, and other differences) programs in each of the party states which will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources, to the end that the most desirable conduct of mining and related operations may be universally facilitated;
- ▶ Assist the party states in their efforts to facilitate the use of land and other resources affected by mining, so that such may be consistent with sound land use, public health, and public safety, and to this end study and recommend, wherever desirable, techniques for the improvement, restoration, or protection of such land and other resources; and
- ▶ Assist in achieving and maintaining an efficient and productive mining industry and increasing economic and other benefits attributable to mining.

Report of the Executive Director

By most accounts, the year 2009 was one of the busiest and most intense on record for those involved with congressional and government affairs work in Washington, DC. With the advent of a new Administration, a myriad of new initiatives were unveiled, many of which directly impacted state governments. Of course, the states were still reeling from the economic downturn of the past two years and as a result were attempting to do more with less in the way of personnel and resources. When combined with a heightened focus on environmental issues ranging from the impacts of mountaintop mining to the handling of coal combustion by-products, it was guaranteed that 2009 would be a challenging and hectic year for the Interstate Mining Compact Commission (IMCC). The member states rose to the occasion and invested significant time and effort in advancing our positions and perspectives on key issues of importance for the states, as detailed below.

One of IMCC's first priorities in 2009 was to engage with the new Administration as a follow on to the Transition Team Reports that we submitted in late 2008 following the election. The first of these meetings occurred on February 10 when IMCC met with Glenda Owens, Acting Director of the Office of Surface Mining (OSM) within the U.S. Department of the Interior to discuss issues of concern to the states. The second meeting occurred on June 22 when a group of IMCC member states (VA, WV, OH, PA, IN, CO and WY) met with staff from the Interior Branch of the Office of Management and Budget (OMB) in Washington, DC. Topics of discussion included the Administration's proposal to amend the Surface Mining Control and Reclamation Act (SMCRA) to eliminate funding to certified states and tribes for abandoned mine land (AML) reclamation work and federal funding for state Title IV (AML) and Title V (regulatory) grants. On the afternoon of June 23rd, this same group met with Ned Farquhar, Deputy Assistant Secretary for Land and Minerals Management within the Department of Interior (DOI). Mr Farquhar was joined by Glenda Owens, Acting

Director of OSM, and Mike Poole, Acting Director of the Bureau of Land Management. Topics of discussion included, in addition to those raised with OMB, federal/state relations under SMCRA (including federal oversight of state programs); key OSM rulemakings; Mining Law Reform; Good Samaritan legislation; and current and future challenges for DOI and the states. In preparation for this meeting, IMCC met with Mr. Farquhar on May 21 to introduce him to IMCC and explore the potential for a future meeting with the states. On the morning of June 23rd, the IMCC representatives held a briefing for interested congressional staff on all of these same issues. In addition to IMCC, some of the state attendees also represented the National Association of Abandoned Mine Land Programs (NAAML), with whom IMCC coordinated the meetings/briefings.

IMCC met with OSM officials at both of IMCC's official meetings during the year – in Anchorage, Alaska on April 28 and in Denver, Colorado on November 19. At the latter meeting, IMCC was joined by newly appointed OSM Director Joe Pizarchik. IMCC also held several informal meetings with OSM staff throughout the year, including conference calls with OSM's acting Director and regional directors. IMCC also submitted letters to the Secretaries of Interior and Agriculture on February 24 regarding the hardrock AML reclamation work that the states and tribes were prepared to undertake as part of the economic recovery plan.

The year began with a flurry of congressional activity surrounding the coal ash spill at the Tennessee Valley Authority's Kingston Fossil Plant in Roane County, Tennessee on December 22, 2008. Among other hearings, the Subcommittee on Energy and Mineral Resources of the House Natural Resources Committee held a hearing on February 12, 2009 on a bill (H.R. 493) introduced by Committee Chairman Nick Rahall (D-WV) entitled the "Coal Ash Reclamation, Environment and Safety Act of 2009". IMCC attended the hearing and submitted a statement for

the record detailing the states' concerns and recommendations on the bill. IMCC also sent a letter to Lisa Jackson, Administrator of the U.S. Environmental Protection Agency (EPA) on March 26, 2009 in which we set forth the position of the states with regard to the regulation of mine placement of coal combustion by-products at active and abandoned coal mines.

Also at the end of 2008, the Office of Surface Mining released a draft proposed rule on the regulation of coal combustion by-products at mines. IMCC facilitated a conference call of interested and affected states to discuss the draft rule on January 29 with 33 states participating on the call. During the call, the states presented their concerns about the nature and direction of the rule to OSM officials. In a related matter, IMCC had the opportunity to present a paper titled "Recent Legislative and Regulatory Developments re the Use of Coal Combustion By-products in Mine Reclamation" to the Coal Combustion Products Extension Program at Ohio State University in Columbus, Ohio on May 20. IMCC sent a letter to Peter Orszag, Director of the Office of Management and Budget, on November 3 regarding a draft proposed rule by EPA concerning the disposal of coal combustion waste at surface impoundments and landfills and the potential impacts of the rule on minefilling applications of CCW. IMCC also participated in a meeting on November 12 with OMB to discuss EPA's rule, which was expected to be released in late 2009.

Another controversial issue that saw considerable attention during the year was mountaintop mining and the associated use of valley fills. On June 4, the Interior Department, EPA and the U.S. Army Corps of Engineers published a Memorandum of Understanding (MOU) that included a number of short and long term actions designed to significantly reduce the harmful environmental consequences of Appalachian surface coal mining operations. Among the various action items, several related to the Office of Surface Mining, including vacating the agency's stream buffer zone rule and replacing it with guidance clarifying the

application of the 1983 rule; reevaluating federal oversight of state permitting, state enforcement and regulatory activities under SMCRA; and removing impediments to OSM's ability to correct permit defects in primacy states. Pursuant to IMCC's request, OSM initiated a series of state/federal meetings to develop draft discussion papers on key oversight issues related to the MOU. Those meetings, which IMCC helped to coordinate, were held in Washington, DC on August 11 - 13 and September 1 - 3. A conference call of the participating states was held on August 26 to prepare for the second meeting. Following the release of OSM's oversight improvement action document on November 19, IMCC sent a letter to the Secretary of the Interior and the Chairman of the Council on Environmental Quality on December 8 regarding the states' concerns with the document and requesting further meetings to discuss the matter. IMCC also filed comments with OSM regarding an advance notice of proposed rulemaking regarding stream buffer zones on December 30. This was preceded by a conference call of the IMCC Environmental Affairs Committee (Coal Section) on December 9 to discuss and prepare our comments.

On a related issue, IMCC facilitated a conference call of interested and affected states on February 5 to discuss various water quality implementation issues under SMCRA and the Clean Water Act. A total of 25 persons participated on the call, during which several topics were addressed including: a proposed rule by EPA that would set new turbidity requirements potentially applicable to abandoned mine land construction projects; a U.S. District Court case from West Virginia that would mandate National Pollutant Discharge Elimination System (NPDES) permits at bond forfeiture sites operated or overseen by the states; and the definition of "material damage" in the SMCRA permitting process. As a follow on to these discussions, IMCC held a conference call of the Environmental Affairs Committee (Coal Section) on June 30 to discuss the potential of IMCC preparing and submitting an *amicus curiae* brief in the appeal of the West Virginia district court decision. Following approval by the Committee, the brief

was prepared by Richard Morrison of the Commonwealth of Pennsylvania on behalf of the Compact. The brief supports the appeal lodged by the West Virginia Department of Environmental Protection before the U.S. Court of Appeals for the Fourth Circuit. A conference call of legal counsel from Pennsylvania and West Virginia to discuss the *amicus* brief was held on August 24. IMCC also submitted formal comments to EPA on February 23 regarding its proposed rule on turbidity.

IMCC continued its efforts throughout 2009 to secure and maintain federal funding for state regulatory programs under SMCRA (Title V grants) and for the abandoned mine land programs administered by the states (Title IV grants). IMCC submitted a statement for the record on May 15 regarding OSM's proposed Fiscal Year (FY) 2010 budget, advocating for increases in funding for these two programs and for the AML emergency program (which was targeted for elimination by OSM). During the year, IMCC engaged in regular contacts with congressional staff on the status of the FY 2010 funding bill for the Interior Department, which was ultimately approved on October 30. In the end, the states received an additional \$5.8 million for Title V grants; the AML emergency program was funded for at least one more year; a provision was added to allow AML funds to be used as non-federal match for acid mine drainage restoration projects; and we turned back an effort to amend SMCRA to eliminate AML funding for certified states and tribes.

Soon after the 111th Congress convened in January of 2009, Mining Law Reform legislation was once again introduced by House Natural Resources Committee Chairman Nick Rahall (H.R. 699) and Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (S. 796). A hearing on S. 796 was held on July 14 by the Senate Energy and Natural Resources Committee and IMCC submitted a statement for the record concerning state perspectives and recommendations on the bill. A conference call of interested states was held on May 28 to discuss the pending legislation in preparation for IMCC's

submission of comments on the bill. Related bills concerning a hardrock AML program were also introduced in the Senate (S. 140 and S. 1570) and in the House (H.R. 3201). Legislation to provide "Good Samaritan" liability protection under the Clean Water Act for hardrock AML reclamation work was also introduced in the House (H.R. 3202) and the Senate (S. 1777). IMCC met with representatives from the Commonwealth of Pennsylvania, Trout Unlimited and several Pennsylvania watershed groups on October 15 to discuss the potential of expanding the pending Good Sam legislation to include coal AML projects. IMCC also met with Doug Young of Senator Mark Udall's staff at the Mid-Year meeting in Denver on November 18 to discuss the status of Good Sam legislative efforts. IMCC also sent a letter to Senator Mark Udall on November 24 in support of S. 1777.

Following on its prior years of success, IMCC developed, hosted and facilitated yet another benchmarking workshop on October 28 and 29 in Chicago concerning electronic permitting and mobile computing. A total of 56 state and federal agency personnel attended the workshop, which received an overall rating of 4.5 out of 5 for value and effectiveness. The workshop presenters met via conference call on February 3, March 19, July 23 and September 17 to develop the final agenda for the workshop. IMCC also facilitated a workshop session at the 2009 annual conference of the National Association of Abandoned Mine Land Programs in Rogers, Arkansas on September 28 that focused on OSM's initiative to require states and tribes to revise their state AML reclamation plans to reflect changes in both SMCRA and OSM's rules resulting from the 2006 Amendments to the Act. Approximately 45 state and federal agency personnel attended the workshop, which included presentations by OSM and four state/tribal representatives.

IMCC also developed, hosted and facilitated a "Summit of the States on the Regulation of Noncoal Minerals" on November 17 and 18 in Denver, which was held in conjunction with the Mid-Year Meeting. The Summit was a

follow up to IMCC's recently updated Noncoal Minerals Report. The steering committee that assisted in the development of the agenda for the Summit met via conference call on February 4, July 29 and October 14. A total attendance of approximately 40 state and federal agency personnel attended the Summit which received an overall rating of 4.5 out of 5.

IMCC continues its close working relationship with the National Association of Abandoned Mine Land Programs (NAAML), assisting the organization with both legal counsel and congressional and regulatory affairs support. IMCC staff attended the 2009 Winter Meeting of the NAAML in Oklahoma City from March 16 - 18 and provided several updates at the meeting, including the final AML rules, the economic stimulus legislation, the FY 2009 and 2010 budgets, and a proposal to eliminate funding to certified states and tribes beginning in FY 2010. With regard to the latter issue, and in preparation for the Oklahoma City meeting, IMCC facilitated a conference call of several IMCC and NAAML member states on March 6. IMCC also participated in a conference call of the NAAML Hardrock AML Committee on March 10. IMCC staff also attended the 2009 NAAML annual conference in Rogers, Arkansas from September 27 - 30. IMCC provided several updates at the meeting, including OSM's initiative to require states to revise their AML plans, Good Samaritan Legislation, Mining Law reform, and federal oversight of state programs. IMCC also sent a letter to Interior Secretary Ken Salazar jointly with the NAAML on November 3 concerning OSM's initiative to require states to amend/revise their AML reclamation plans.

Throughout the course of 2009, IMCC partnered with OSM and the U.S. Fish and Wildlife Service to develop and distribute guidelines for Indiana Bat Protection and Enhancement Plans. IMCC was represented on a Task Force that was responsible for developing the guidelines by the states of Indiana, West Virginia and Kentucky. Conference calls of all the parties were held on February 19 and June 11 to finalize the guidelines and discuss a roll out

protocol for the guideline document, which was finally released to the public on September 2. IMCC has also been working with OSM on the development of an interactive forum on "Protecting Threatened Bats at Coal Mines", to be held in August of 2010. IMCC will coordinate a panel presentation by several states regarding their progress in utilizing the guidelines mentioned above. Conference calls of the steering committee, on which IMCC serves, were held on June 4, July 22, October 13, November 10 and December 10.

IMCC facilitated a conference call of interested and affected states on January 28 to discuss an EPA project concerning financial responsibility requirements for certain mining operations under Section 108 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). A total of 35 states and federal agency representatives participated on the call. It is anticipated that EPA will issue a proposed rule on the matter sometime in late 2010 or early 2011.

IMCC continued its involvement throughout 2009 as a member of OSM's National Technology Transfer Team (NTTT), among whose purposes is the coordination of activities of the National Technical Training Program (NTTP) and the Technical Innovation and Professional Services (TIPS) program. The NTTT also assists with the screening and selection of applied science proposals that compete for OSM's research funding each year. Conference calls of the NTTT were held on January 8, February 12, March 5, April 9, June 8, July 8, September 10, October 14 and December 8. IMCC also continues to play a lead role with regard to the work of the Acid Drainage Technology Initiative (ADTI), working with Keith Brady of Pennsylvania who serves as IMCC's representative. Conference calls were held on June 15, September 15 and October 20.

In addition to those mentioned above, several IMCC Committees met during the year, as follows:

- The IMCC Awards Committee met via conference call on March 12 to select

winners of the IMCC national reclamation awards for 2009.

- The IMCC Education Work Group met via conference call on March 16 to select winners of the IMCC national minerals education awards. The Work Group also prepared a minerals education calendar for 2009 for use in schools to enhance learning about mineral development and reclamation. The calendar consists of information about a “mineral of the month” and includes a mining education “activity of the month” that can easily be used by educators. IMCC printed and distributed 2,000 copies of the calendar by the end of January 2009.
- The IMCC Finance Committee met via conference call on April 14 to review IMCC staff performance reviews and develop recommendations for IMCC staff compensation adjustments for FY 2010.

IMCC helped to coordinate and participated in the Mid-Continent regional OSM/States meeting held on June 1 - 3 in St. Louis, Missouri, at which several key regulatory, technical and policy issues were discussed. IMCC also helped to coordinate and participated in the Appalachian regional OSM/States meeting held on June 9 and 10 in Pittsburgh, at which similar issues were discussed. IMCC also attended the Powell River Project Annual Dinner and Reclamation Tour on September 9 and 10 in Big Stone Gap, Virginia.

With respect to federal grants and contracts, IMCC continued its work pursuant to a contract with OSM to provide legal research services to the states through COALEX. IMCC facilitated a \$50,000 contract extension for Joyce Scall to continue her work on behalf of the states. IMCC completed its work under a contract with OSM to develop and facilitate benchmarking workshops and hoped to secure additional funding for future workshops before year’s end. OSM continues to provide limited travel assistance for those states that require such assistance to attend the workshops.

Throughout the year, several states took advantage of the opportunity to utilize the services of IMCC to solicit information or data from sister states on issues of concern. IMCC polled the member states and gathered information on the topics of underground injection/water withdrawal from pre-1992 underground works and its effects on subsidence (for Alabama); rights of lessors/landowners on surface coal mining permitted lands (for Illinois); compliance with the National Historic Preservation Act as part of the permit review process (for Ohio); baseline sampling standards for coal combustion by-product placement at mines (for Alabama); federal oversight of state regulatory programs (for IMCC and OSM); state Title V matching requirements (for IMCC); and mine placement of coal combustion by-products (for IMCC). IMCC also provided information to Ohio concerning the United Mine Workers Combined Benefit Fund.

On the membership front, IMCC spent the majority of its time during the year working with current member states to help justify their continued membership in IMCC and/or dues payments in light of the current fiscal crisis facing many states. We anticipate that this activity will continue to escalate in the coming months as states actively review their membership in organizations such as IMCC. Conversations continue with Montana, Mississippi, Kansas and California regarding potential membership. We also stand prepared to work with existing associate member states to pursue legislation bringing them in as full members. In this regard, we helped to develop legislative proposals for New Mexico and Alaska that may see action during 2010.

As the year drew to a close, IMCC was poised to engage on several key issues for the states that will likely make 2010 every bit as challenging as 2009. The Office of Surface Mining appears to be moving forward aggressively with enhancements to its federal oversight program, many of which may potentially reverse or undermine the proactive efforts that have been undertaken over the past 15 years to establish an effective state/federal working

relationship under SMCRA. Federal budgets are getting tighter and more restrictive, which portends a significant struggle for the states to maintain funding levels for state programs. New rulemaking initiatives by OSM, EPA and other federal agencies will require vigilance by the states in terms of the potential impacts on our regulatory programs, particularly where permitting of mining operations is concerned. And as states work diligently to climb out of the fiscal doldrums they have recently faced, we are likely to see reinvention and restructuring within the states that will challenge the way they do business with the federal government and organizations like IMCC.

At our recent annual meeting, we discussed the ways in which IMCC must continue to establish its relevance as a viable, meaningful organization. Based on our discussions, I am confident that, as in the past, the states will remain committed to the purposes and objectives of the Interstate Mining Compact Commission and will continue to support the excellent work that we have accomplished through the organization over the years. We may need to tighten our belts, reprioritize our initiatives and even revisit how we do our business, but in the end, I know we will persevere and serve the interests of the states well. As always, Beth and I appreciate the commitment and support we receive from the member states and your willingness to go the extra mile to advance our cause.

Standing Committees

Environmental Affairs Committee

Coal Section

John Husted, Ohio, Chairman

Bruce Stevens, Indiana, Vice Chairman

Noncoal Section

James Simons, North Carolina, Chairman

Mike Larsen, Missouri, Vice Chairman

Abandoned Mine Lands Committee

Bradley "Butch" Lambert, Virginia, Chairman

Michael Skates, Alabama, Vice Chairman

Mine Safety and Health

Joseph Sbaffoni, Pennsylvania, Chairman

Ron Wooten, West Virginia, Vice Chairman

Finance and Administrative Committee

Paul Schmierbach, Tennessee, Chairman

C. Edmon Larrimore, Maryland, Vice Chairman

Resolutions Committee

James Deutsch, North Dakota, Chairman

Steven Potter, New York, Vice Chairman

Awards Committee

Scott Fowler, Illinois, Chairman

Mary Ann Pritchard, Oklahoma, Vice Chairman

(Members of the 2009 Awards Committee: Illinois, Oklahoma, Arkansas, South Carolina, Ohio)

Legal Advisor

Russell Hunter, West Virginia

Minerals Education Work Group

Wendy Hamilton, South Carolina, Chairman

Activities of the Standing Committees

Finance and Administrative Committee

The committee met on two occasions during 2009. On April 29 the committee met in Anchorage, Alaska in conjunction with the Compact's Annual Meeting. The committee reviewed the Compact's current financial condition; reviewed and approved the proposed Fiscal Year 2010 budget; and discussed recommendations of the Compact's Compensation and Benefits Review Committee.

On November 18, the committee met in Denver, Colorado. The committee reviewed the Compact's current financial condition and reviewed and approved the Compact's Fiscal Year 2009 Audit.

Resolutions Committee

The committee met jointly with the Finance and Administrative Committee twice in 2009. On April 29 in Anchorage, Alaska, the committee recommended approval of four resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

On November 18 in Denver, Colorado, the committee recommended adoption of five resolutions. They included one resolution recognizing and congratulating Joe Pizarchik as the new Director of the Office of Surface Mining, and four resolutions of appreciation. (See *Resolutions* section of this Annual Report.)

Environmental Affairs Committee — Coal Section

The Coal Section of the Environmental Affairs Committee met on April 28, 2009 in Anchorage, Alaska in conjunction with the Compact's Annual Meeting. Among the topics discussed were: a presentation by the Acting Director of the Office of Surface Mining

(OSM) regarding the Obama Administration's priorities and recent activities affecting mining; OSM's Fiscal Year (FY) 2009 appropriation and FY 2010 budget request; pending OSM rulemaking initiatives regarding coal combustion by-products, the Ownership and Control Rule, stream buffer zones, valid existing rights, and remining; permitting issues associated with mountaintop mining operations and bond forfeiture sites; development of an Indiana Bat Guidance Document; OSM's Title IV and Title V Government Performance and Results Act (GPRA) measures; OSM proposals approved via the Applied Science Program; blasting; underground injection of coal slurry; activities of the National Coal Mining Geospatial Committee; IMCC's upcoming Benchmarking Workshop on E-Permitting and Mobile Computing; and upcoming regional OSM/States Meetings.

On November 19, 2009, the committee met in conjunction with the IMCC Mid-Year Meeting in Denver, Colorado. Among the topics discussed were: OSM's FY 2010 appropriations; pending OSM rulemaking initiatives on stream buffer zones, mine placement of coal combustion by-products, and the Ownership and Control Rule; OSM's GPRA measures for Title IV and Title V programs; Clean Water Act issues relating to SMCRA; and the status of the Indiana Bat Guidance Document.

Environmental Affairs Committee — Noncoal Section

The Noncoal Section of the Environmental Affairs Committee met twice in 2009. On April 27 in Anchorage, Alaska, the committee met in conjunction with the Compact's Annual Meeting. The committee met again on November 18 in Denver, Colorado in conjunction with the Mid-Year Meeting. Topics discussed at the April 27 meeting included: recent legislative efforts to reform the Mining

Law of 1872; an update on IMCC's Noncoal Minerals Summit of the States scheduled to be held in conjunction with IMCC's 2009 Mid-Year Meeting; the Environmental Protection Agency's (EPA) initiative regarding the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 108 financial assurance requirements; and the status of EPA's consideration of regulations for minefilling operations at noncoal sites. IMCC member states also engaged in a roundtable discussion of recent regulatory developments in the noncoal sectors of their individual states.

Topics of discussion at the committee meeting held on November 18 included: status of recent efforts to reform the Mining Law of 1872; status of Good Samaritan Legislation (S. 1777 and H.R. 3202); status of Office of Surface Mining (OSM) and EPA Rulemakings regarding Coal Combustion Wastes; reactions to and results of the IMCC Summit of the States on the Regulation of Noncoal Minerals which preceded the Mid-Year Meeting; an update on EPA's consideration of regulations for minefilling operations at noncoal sites; and venting of coal mine methane and its alleged contribution to global warming. Alaska state staff also provided an overview of key mining issues for the state.

Abandoned Mine Lands Committee

The Abandoned Mine Lands (AML) Committee met jointly with the Coal Section of the Environmental Affairs Committee on two occasions — April 28 in Anchorage, Alaska and November 19 in Denver, Colorado. At the April 28 meeting, the committee discussed the following topics: a presentation by the Acting Director of the Office of Surface Mining (OSM) regarding the Obama Administration's priorities and recent activities affecting mining; OSM's Abandoned Mine Lands (AML) Final Rule and proposed revisions to the Federal Assistance Manual (FAM); OSM's AML-1 Directive; legislative activity regarding the 2006 AML Amendments;

and OSM's Fiscal Year (FY) 2009 appropriation and FY 2010 budget.

At the November 19 meeting, topics discussed included: OSM's final rule on amendments to the Surface Mining Control and Reclamation Act (SMCRA) regarding the AML program; OSM's Regional Directors' letters to states pursuant to Part 884 of OSM's rules concerning potential changes to state/tribal AML reclamation plans in the final AML rules; Secretary of Interior Salazar's response to Senator Bingaman concerning the availability and use of prior balance AML funds for noncoal reclamation projects; and OSM's FY 2010 appropriation.

Mine Safety & Health Committee

The Mine Safety & Health Committee met jointly with the Noncoal Section of the Environmental Affairs Committee on two occasions in 2009 — on April 27 in Anchorage, Alaska in conjunction with the Compact's Annual Meeting, and on November 18 in Denver, Colorado in conjunction with IMCC's Mid-Year Meeting. Topics of discussion at the April 27 meeting included: status of the workforce; training; use of contract miners; the Mine Safety and Health Administration's (MSHA) final rules on mine seals and refuge alternatives/wireless tracking; increased MSHA enforcement activity; and state interaction with MSHA.

Topics discussed at the November 18 meeting included: states' concerns regarding micro-management by MSHA and an IMCC meeting to be scheduled with MSHA officials in 2010 to discuss federal/state issues.

Awards Committee

The Awards Committee met via conference call on March 12, 2009 to select winners of the 2009 Kenes C. Bowling National Mine Reclamation Awards. The Education Work Group met via conference

call on March 16, 2009 to select winners of the 2009 IMCC National Minerals Education Awards. The reclamation award recipients, and photos of the winning sites, are listed elsewhere in this Annual Report. The awards were presented at the Annual Awards Banquet on April 28, which was held in conjunction with IMCC's Annual Meeting in Anchorage, Alaska.

The National Mineral Education Awards were also presented at the April 28 Awards Banquet. The education award recipients are also listed elsewhere in this Annual Report.

NOTE: For other committee meetings during the year, see the *Report of the Executive Director*.

Committees and Committee Chairmen and Vice Chairmen for 2010

Environmental Affairs Committee

Coal Section

Bruce Stevens, Indiana, Chairman

James Stephens, Arkansas, Vice Chairman

Noncoal Section

Mike Larsen, Missouri, Chairman

Kent Coleman, South Carolina, Vice Chairman

Abandoned Mine Lands Committee

Michael Skates, Alabama, Chairman

James Deutsch, North Dakota, Vice Chairman

Mine Safety and Health

Ron Wooten, West Virginia, Chairman

Johnny Greene, Kentucky, Vice Chairman

Finance and Administrative Committee

C. Edmon Larrimore, Maryland, Chairman

Bruce Stevens, Indiana, Vice Chairman

Resolutions Committee

Steven Potter, New York, Chairman

Vacant, Vice Chairman

Awards Committee

Mary Ann Pritchard, Oklahoma, Chairman

Dale Bergquist, Louisiana, Vice Chairman

(Members of the 2010 Awards Committee: Oklahoma, Louisiana, New Mexico, Kentucky, Pennsylvania)

Legal Advisor

Richard Morrison, Pennsylvania

Minerals Education Work Group

Dean Spindler, Illinois, Chairman

Yearly Commission Meetings

2009 Annual Meeting — Anchorage, Alaska

The 2009 Annual Meeting was held at The Captain Cook Hotel in Anchorage, Alaska from April 26 - 29, 2009. The following member states were in attendance: Alaska, West Virginia, Virginia, Arkansas, Illinois, Indiana, New Mexico, Wyoming, Alabama, Texas, Missouri, Louisiana, and North Dakota. Total attendance was approximately 38 persons consisting of IMCC members, other state representatives, federal officials, and industry representatives. The meeting was highlighted by a general session, committee meetings, the annual commission business meeting, social receptions, and the annual awards banquet.

The meeting began with welcome remarks by Rosanne Hughes, Director of External Communications for Governor Sarah Palin who opened the General Session on April 27. Speakers and topics covered during the session included: Bob Swenson, Director and State Geologist for Alaska Division of Geological and Geophysical Services: “An Overview of Mining, Development, and Exploration Activities in Alaska”; Steve Borell, Executive Director, Alaska Miners Association: “The Economic Impacts of Mining to Alaska”; and Bartly Coiley, Manager, Environmental Affairs, Usibelli Coal Mine, Inc.: “Unique Aspects of Mining in Alaska”.

IMCC’s Standing Committee meetings commenced in the late morning of April 27 (see *Activities of the Standing Committees*). In the evening attendees enjoyed Alaska’s scenery during a social reception onboard the Alaska Railroad.

The Standing Committee meetings resumed on the morning of April 28 and continued throughout the afternoon. At a banquet that evening, the IMCC presented its 2009 National Reclamation and Minerals

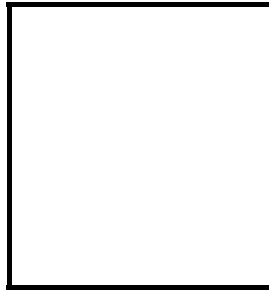
Education Awards. (see *Awards* section later in this report for details.)

The Commission’s annual business meeting was held on April 29. The meeting was chaired by James Deutsch on behalf of the Compact’s Chairman, Governor John Hoeven of North Dakota. Subjects of action and discussion included: the Executive Director’s Report (see *Report of the Executive Director*); standing committee reports (see *Activities of the Standing Committees*); IMCC’s State Program Benchmarking Initiative; IMCC’s reclamation and education awards programs and potential for addition of an award to recognize state agency personnel; Obama Administration initiatives impacting the mining sector; and future IMCC meetings. In addition, four resolutions were adopted at the meeting and are contained in the *Resolutions* section of this Annual Report.

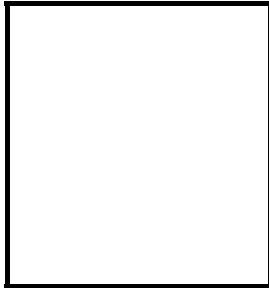
2009 Mid-Year Meeting – Denver, Colorado

The Mid-Year Executive Commission Meeting of the IMCC was held in Denver, Colorado at the Curtis Hotel, November 18 - 19, 2009. Committee meetings were held on November 18. A social reception was held that evening. Committee meetings resumed the morning of November 19. Following a luncheon, the commission’s business meeting concluded the meeting. The business meeting was chaired by James Deutsch on behalf of the Compact’s Chairman, Governor John Hoeven of North Dakota. Among the topics addressed at the meeting were: an Executive Director’s Report (see *Report of the Executive Director*); reports from standing committees of the Compact (see *Activities of Standing Committees*); election of officers for 2010; appointment of committee chairs for 2010; and future IMCC meetings. In addition, five resolutions were adopted at the meeting and are contained in the *Resolutions* section of this Annual Report.

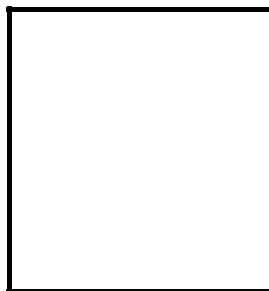
Officers Elected for 2010



Chairman:
Governor David A. Paterson
New York



Vice Chairman:
Vacant



Treasurer:
Governor Martin O'Malley
Maryland

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, throughout the years the Interstate Mining Compact Commission has been privileged to hear many excellent speakers at its meetings; and

WHEREAS, it is through these speakers that the Commission is able to keep abreast of new developments, new policies, and new technology in the fields of mining and environmental protection; and

WHEREAS, the speakers who addressed the Commission's Annual Meeting on April 27, 2009 in Anchorage, Alaska are men and women of outstanding ability in their respective fields, and the benefit of their advice and experience are a valuable contribution to the Commission; and

WHEREAS, the Commission is most appreciative of the time and effort the speakers have expended in preparation and presentation of their remarks;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its sincere gratitude to

***Steve Borell
Ed Fogels
Bob Swenson
Bartly Coiley***

Issued this 29th day of April, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Rick Fredericksen, Joe Wehrman and their staff arranged an informative and interesting meeting for the Interstate Mining Compact Commission in Anchorage, Alaska from April 26 - 29, 2009; and

WHEREAS, our hosts warmly welcomed and generously extended their Last Frontier hospitality to all attendees;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Rick Fredericksen, Joe Wehrman and all of the other state officials who assisted IMCC staff to assure a successful meeting.

Issued this 29th day of April, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's Annual Meeting in Anchorage, Alaska from April 26 - 29, 2009 was honored by the presence of Rosanne Hughes, Director of External Communications for Governor Sarah Palin; and

WHEREAS, Ms. Hughes provided the Welcoming Address at the Opening Session of the meeting on April 27, 2009;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) expresses its gratitude to Rosanne Hughes for her participation in making this year's meeting an outstanding success and for her support of IMCC.

Issued this 29th day of April, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's Annual Meeting in Anchorage, Alaska from April 26 - 29, 2009 was honored by the presence of The Honorable Tom Irwin, Commissioner with the Alaska Department of Natural Resources; and

WHEREAS, Commissioner Irwin served as the Master of Ceremonies at the Annual Awards Banquet on April 28, 2009;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission (IMCC) expresses its gratitude to Commissioner Tom Irwin for his participation in making this year's meeting an outstanding success and for his support of IMCC.

Issued this 29th day of April, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission's (IMCC) Mid-Year Meeting in Denver, Colorado from November 18 - 19, 2009 was honored by the presence of The Honorable Joe Pizarchik, newly-appointed Director of the Office of Surface Mining; and

WHEREAS, Director Pizarchik and members of his staff attended and actively participated in the IMCC Environmental Affairs Committee meeting on November 19, 2009; and

WHEREAS, IMCC greatly appreciates the excellent working relationship and valuable partnership between the states and the Office of Surface Mining;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its heartfelt congratulations to Joe Pizarchik on his recent appointment as Director of the Office of Surface Mining and our gratitude to Director Pizarchik and his staff for their participation in making this year's meeting an outstanding success and for their support of IMCC.

Issued this 19th day of November, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, the Interstate Mining Compact Commission (IMCC) sponsored a *Summit of the States on the Regulation of Noncoal Minerals* in Denver, Colorado on November 17 and 18, 2009; and

WHEREAS, IMCC was honored by the presence of Scott Sibley of the U.S. Geological Survey, who served as the Opening Session speaker on November 17;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Scott Sibley for his participation in making the Summit an outstanding success and for his support of IMCC.

Issued this 19th day of November, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, The Interstate Mining Compact Commission (IMCC) sponsored a *Summit of the States on the Regulation of Noncoal Minerals* in Denver, Colorado on November 17 and 18, 2009; and

WHEREAS, IMCC was honored by the presence of Mitchell Leverette, Chief of the Solid Minerals Division with the Bureau of Land Management, who served as the luncheon speaker on November 17;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its gratitude to Mitchell Leverette for his participation in making the Summit an outstanding success and for his support of IMCC.

Issued this 19th day of November, 2009

ATTEST:

Executive Director

Resolution

Interstate Mining Compact Commission

BE IT KNOWN THAT:

WHEREAS, Loretta Pineda, David Berry and their staff arranged an informative and interesting Mid-Year meeting for the Interstate Mining Compact Commission in Denver, Colorado from November 18 - 19, 2009; and

WHEREAS, Loretta, David and Bruce Stover greatly assisted with the development and execution of the *Summit of the States on the Regulation of Noncoal Minerals* on November 17 and 18; and

WHEREAS, our hosts warmly welcomed and generously extended their Mile High hospitality to all attendees;

NOW THEREFORE BE IT RESOLVED:

That the Interstate Mining Compact Commission expresses its deep appreciation to Loretta Pineda, David Berry, Bruce Stover, and all of the other state officials who assisted IMCC staff to assure a successful meeting and Summit.

Issued this 19th day of November, 2009

ATTEST:

Executive Director

Financial Reports

**Interstate Mining Compact Commission
Statement of Financial Position for the Year Ended June 30, 2009**

ASSETS

Cash	\$ 78,606.00
Investments	400,000.00
Accounts receivable	20,221.00
Prepaid expenses and deposits	4,538.00
Property and equipment, net	2,782.00
Total assets	506,147.00

LIABILITIES AND NET ASSETS

Liabilities:	
Accrued vacation	25,604.00
Assessments in advance	10,000.00
Deferred rent	580.00
Total liabilities	36,184.00
Net assets:	
Unrestricted	469,963.00
Total net assets	469,963.00
Total liabilities and net assets	506,147.00

Financial Reports

*Interstate Mining Compact Commission
Statement of Activities
For the Year Ended June 30, 2009*

Unrestricted revenue and support	
Assessments	\$465,555
Government grants and contracts	3,280
Conferences and meetings	11,965
Interest income	15,308
Other income	839
Total revenue and support	496,947
Expenses	
Government programs	3,850
Administrative and general	505,643
Total expenses	509,493
Change in net assets	(12,546)
Net assets, beginning of year	482,509
Net assets, end of year	\$469,963

Financial Reports

**Interstate Mining Compact Commission
Schedule of Comparison of Expenses and Budget
For the Year Ended June 30, 2009**

Description	Government Grants	Admin. & General	Total Expenses	Budget	Variance
Salaries	\$3,200	\$280,021	\$283,221	\$288,900	\$ (5,679)
Employee benefits	—	94,208	94,208	90,000	4,208
Rent	—	33,664	33,664	33,000	664
Conference and meetings	—	26,298	26,298	19,500	6,798
Travel	—	15,383	15,383	21,000	(5,617)
Publications	—	9,831	9,831	12,000	(2,169)
Telephone	—	8,204	8,204	10,000	(1,796)
Contingency capital outlay	—	12,395	12,395	12,000	395
Auditing	—	5,515	5,515	6,000	(485)
Postage	—	3,536	3,536	4,000	(464)
Equipment expenses	—	3,240	3,240	4,000	(760)
Contractual services	—	76	76	—	76
Office supplies	—	2,727	2,727	3,500	(773)
Other expenses	—	3,156	3,156	2,600	556
Insurance	—	2,317	2,317	4,000	(1,683)
Printing	—	1,446	1,446	2,500	(1,054)
Registration fees/ subscriptions	—	1,045	1,045	2,000	(955)
Utilities	—	1,390	1,390	2,000	(610)
Depreciation	—	1,841	1,841	—	1,841
Overhead allocation	650	(650)	—	—	—
Total expenses	\$ 3,850	\$ 505,643	\$ 509,493	\$ 517,000	\$ (7,507)

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2009 FOR COAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Surface Mining Commission	19	6,657	N/A	3,827
Alaska Dept. of Natural Resources	12	9,650	2,181	68
Arkansas Dept. of Environmental Quality	5	714.49	714.49	198.61
Colorado Division of Reclamation, Mining & Safety, Coal Program	0	163,762 ¹	20,129	613 ²
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Land Reclamation Division	5	2,991.97	1,077.03	674.65
Indiana Dept. of Natural Resources, Division of Reclamation	9 (2 original; 7 add-acre amend.)	7,435	4,619 ³	2,682 ⁴
Kentucky Dept. for Natural Resources	462 (new, amendments, revisions)	68,921.7	249,613.7	8,018.5
Louisiana Dept. of Natural Resources	2 ⁵	41,955 ⁶	477 (during 2009)	0 ⁷
Maryland Bureau of Mines ⁸	10	164	2,584	299
Missouri Land Reclamation Program	0	0	No new acres	328.0
New Mexico Energy, Minerals and Natural Resources Dept., Mining and Minerals Div.	2	17,423	1,310	1,395 (Phase III bond release)
North Dakota Public Service Commission	0	890	1,965	877
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	27	4,790	51,663	2,792
Oklahoma Dept. of Mines	3 - permits 58 - permits on IUL 28 - revisions	23,592.49	10,832.20	1,146.86
Pennsylvania Dept. of Environmental Protection	45	6,979	7,015	7,209
Texas Railroad Commission	2 - new, renewals and revisions	2,107.3 ⁹	5,191.5 ¹⁰	1,491.1 ¹¹
Utah Division of Oil, Gas and Mining	33 - permits; 7 - renewals; 1 - new	169,977.78 (total); 632.9 (new in 2009)	2,967.3 (36.3 new in 2009)	90.59
Virginia Dept. of Mines, Minerals & Energy, Division of Mined Land Reclamation	12 (6 - new; 6 - transfers)	78,480.09	54,348.91 (actual)	2,297.78 (released)
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation ¹²	62 - includes new and amendments	8,983 in 2009; 300,024 (total)	126,332 (total)	5,749 (2009 released phase III)
Wyoming Dept. of Environmental Quality, Land Quality Division	35	429,215.35	154,024.47	70,410.77

See footnotes on following page...

¹ Based upon final issuance of permits or revisions to permits through 2009.

² Total for all Phase III releases in 2009.

³ Annual Affected Area Reports

⁴ Phase III final release acres.

⁵ Permits issued to date.

⁶ Total acres under permit at year's end.

⁷ Acres released from permit in 2009.

⁸ # Acres Permitted: number of acres for which bond was posted during the reporting period. # Acres Disturbed: number of actual disturbed acres that have not been approved for phase 3 release as of 12/31/2009. # Acres Reclaimed: number of acres for which phase 3 release was approved during the reporting period.

⁹ Total permit acreage as of 12/31/2009 (285,262.54) minus total permit acreage as of 1/01/2009 (283,155.24) = 2,107.3.

¹⁰ 2,580.0 acres mined and 2,611.5 acres non-mined disturbed = 5,191.5.

¹¹ Phase III bond-release approval (may not have been removed from permitted acreage).

¹² Disturbed Acres - Total – means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12-31-09 were not final released or revoked.

Member State Permitting Data

PERMITS ISSUED AND ACRES OF LAND DISTURBED AND RECLAIMED
JANUARY 1 - DECEMBER 31, 2009 FOR NONCOAL SURFACE MINING

State/Enforcement Agency	# Permits Issued	# Acres Permitted	#Acres Disturbed	# Acres Reclaimed
Alabama Department of Industrial Relations, Mining and Reclamation Division ¹	22 (new); 372 (renewals)	10,600	19,000	24 mines, 742 acres
Alaska Dept. of Natural Resources, Mining Section	263	10,239	8,707 ¹⁵	477
Arkansas Dept. of Environmental Quality	308	24,288.63	17,490.98	228.0
Colorado Division of Reclamation, Mining and Safety, Minerals Program	44	180,857 ²	108,519	1,216 ³
Illinois Dept. of Natural Resources, Office of Mines & Minerals, Mine Safety/Training Division	19	645.28	560.59	613.4
Indiana Dept. of Natural Resources, Division of Reclamation	7	680.15	94.2 ⁴	0.0 ⁵
Kentucky Dept. for Natural Resources, DMRE, Non-Coal Branch	69	16,963.2	24,711.8	505.4
Maryland Minerals, Oil & Gas Division ⁶	93 ⁶	2,880.66 ⁶	14,037.35	7,789.21
Missouri Dept. of Natural Resources, Land Reclamation Program	347	30,883.72	30,883.72	535
New Mexico Energy, Minerals and Natural Resources Dept., Mining and Minerals Div. ⁷	23	23	291	864
New York State Dept. of Environmental Conservation, Div. of Mineral Resources	34 (new in 2009); 2,122 (total active)	142,057 (total) ⁸	60,287 (total) ⁸	1,583 (2009); 30,103 (total) ⁸
North Carolina Dept. of Environment & Natural Resources, Div. of Land Resources ⁹	12 (2008) ¹⁰	132,863 (total at end of 2008)	40,015 total (includes 255 affected in 2008 alone)	1,467 (in 2008)
Ohio Dept. of Natural Resources, Division of Mineral Resources Management	32 (includes amended permits)	1,199	1,361	1,447 (662 graded; 785 planted) ¹¹
Oklahoma Dept. of Mines	¹²	128,236	53,096	1,225
Pennsylvania Dept. of Environmental Protection	124	2,110	910	259
South Carolina Dept. of Health and Environmental Control	33	1,134.5	624.2	246.7
Tennessee Department of Environment and Conservation	13	5,022	4,500 (estimated acreage)	116
Utah Division of Oil, Gas and Mining ¹³	544	N/A	48,683	200
Virginia Division of Mineral Mining	4	1,245.83	488.73	1,006.03
West Virginia Dept. of Environmental Protection, Division of Mining and Reclamation ¹⁶	1	91 (2009); 9,518 (total)	5,677 (total)	0 (2009 released Phase III)
Wyoming Dept. of Environmental Quality, Land Quality Division	337	781,634.12	113,504.95 ¹⁴	Not Tracked

See footnotes on following page...

¹ 538 acres were permitted to be mined. The acreage disturbed does not include chert, limestone, marble or dolomite. Approximately 6,000 acres are disturbed at those mines.

² Based upon final issuance of permits or revisions to permits through 2009.

³ Total of final releases, since there are no phased releases for minerals permits.

⁴ Annual Affected Area Reports.

⁵ Phase III final release acres.

⁶ # Acres Permitted: number of acres for which bond was posted during the reporting period. # Acres Disturbed: number of actual disturbed acres that have not been approved for phase 3 release as of 12/31/2009. # Acres Reclaimed: number of acres for which phase 3 release was approved during the reporting period. # Acres Permitted and # Acres Disturbed includes original permits, increments and amendments that add acreage.

⁷ Most permits issued represent exploration or general permits. Non-coal does not include sand and gravel operations. Acres reclaimed means regrading and seeding has occurred, not necessarily bond release. The numbers shown are for permitting and mining/reclamation activity taking place during calendar year 2009. These numbers do not represent cumulative average. Permits issued include regular and minimal impact mines, exploration permits and general permits.

⁸ Total statewide acreage figures since New York State Mined Land Reclamation Law enacted in 1975.

⁹ All statistics for NC are for 2008. 2009 statistics will not be available until 10/2010.

¹⁰ Includes new permits, modifications and renewals.

¹¹ Acres reclaimed includes ponds and lakes.

¹² Permits issued - 60; revisions - 70; transfers - 13; limited use permits issued - 16; annual reviews of permits - 557; permits on IUL - 723.

¹³ Numbers are approximate, especially the number of acres reclaimed.

¹⁴ Approved to affect – acres disturbed not historically tracked.

¹⁵ Includes surface disturbance from underground and surface metal mines not previously reported. Includes surface disturbance from surface and underground placer gold mines. Does not include disturbance from sand and gravel operations.

¹⁶ Disturbed Acres - Total – means the total number of disturbed acres, including acreage disturbed and reclaimed but not yet receiving final bond release, associated with permits that as of 12-31-09 were not final released or revoked.

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT)
JANUARY 1 - DECEMBER 31, 2009 FOR COAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	1.7	6,657	Unavailable	0.3	84 ¹
Alaska	0	100	0	0	0
Arkansas	26	52	0	3	19
Illinois	19	19	3	9	50
Indiana	7	30	15	0	47.5 ²
Kentucky	29.8	51.5	14.3	1.7 (commercial & industrial)	2.7 ³
Louisiana	8	2	90	0	0
Maryland	50	4	45	1	0
Missouri	97	2	0	02	1 (water)
New Mexico	0	29	0	2	69 (grazing)
North Dakota ⁴	30.8	2.4	1.1	3.9	58.8 (cropland)
Ohio	70	2	0	3	25 (undeveloped)
Oklahoma	97	2	0	0	1 (water)
Pennsylvania ⁵	30	5	50	2	13
Texas	49.6	43.6	0.7	0.5 (commercial & industrial)	5.6 (water resources)
Utah	0	100	0	0	0
Virginia	1018.85 acres (includes pasture, hayland & grazing)	278.29 acres	728.78 acres	172.10 acres	99.76 acres
West Virginia	4	22	34	2	38 ⁶
Wyoming	0	0	0	0	100 (wildlife livestock grazing)

¹ "Other" includes undeveloped, transportation, and cropland. Post mining land use acres - 6,720.

² "Other" includes 46% prime and nonprime cropland. Remaining 1.5% "Other" includes recreation, residential, commercial, and roads land uses.

³ "Other" includes cropland (1.7%), recreational, residential, water bodies, etc.

⁴ "Pasture" includes native grassland; "Wildlife" includes wetlands; "Forest" includes shelterbeds.

⁵ Use of land estimates are based on general observations of post-mining land use.

⁶ Of the 38% "other": 5% are public service and 5% are residential with 90% being combined uses (i.e. two or more land uses on one permit – most of which are wildlife and forest).

Member State Reclaimed Land Use Data

USE OF LAND FOLLOWING RECLAMATION (PERCENT)
JANUARY 1 - DECEMBER 31, 2008 FOR NONCOAL SURFACE MINING

State	Pasture	Wildlife	Forest	Commercial	Other
Alabama	40	5	40	5	10 (lakes)
Alaska	0	50	0	50	0
Arkansas	18.8	17.6	11.8	0	51.8
Illinois	37	0	0	35	28 (water)
Indiana	3.4	53.7	0.3	0	40.5 ¹
Kentucky	75	0	5	15	5
Maryland	35	10	5	15	35
Missouri	22.8	29.1	0	26.7	21.4
New Mexico ²	0	100	0	0	0
New York	2	66	0	3	29 ³
North Carolina ⁴	20	25	25	15	15
Ohio ⁵	N/A	N/A	N/A	N/A	N/A
Oklahoma	84	3	0	6	7
Pennsylvania ⁶	10	5	10	15	60
South Carolina	18 (111.6 acres)	0	0	19 (116 acres)	63 (389.8 acres) ⁷
Tennessee	90	0	5	5	0
Utah	0	886	0	0	0
Virginia	100	0	0	0	0
Wyoming	0	0	0	2	98

¹ "Other" contains water land use only.

² The percentages for Use of Land Following Reclamation are for mined lands reclaimed in 2007.

³ Includes 23% agricultural farmland, 6% wetland/lake.

⁴ These figures are for 2007. 2008 statistics will not be available until October 2009.

⁵ Exact data is not available at this time, however, a high percentage of land uses at the time of release are private recreational use, wildlife habitat and pastureland.

⁶ Use of land estimates based on general observations of post-mining land use.

⁷ Residential development - 22.3 acres, lake/pond - 365.5 acres, other - 5.0 acres.

2009 Kenes C. Bowling Reclamation Award Winners

2009 Winners

The following companies were winners of the Compact's 2009 national reclamation awards and were presented with plaques at the 2009 awards banquet:

Coal Category Winner:

Peabody Energy and Black Beauty Coal Company – Viking Mine (Indiana)

Noncoal Category Winner:

Iluka Resources, Inc. – Old Hickory Operation (Virginia)

2009 Honorable Mention Recipient

The following company received recognition as honorable mention in the Compact's reclamation awards program and was presented with a certificate at the 2009 awards banquet:

Coal Category:

Texas Westmoreland Coal Company – Bobwhite Quail Release Project (Texas)

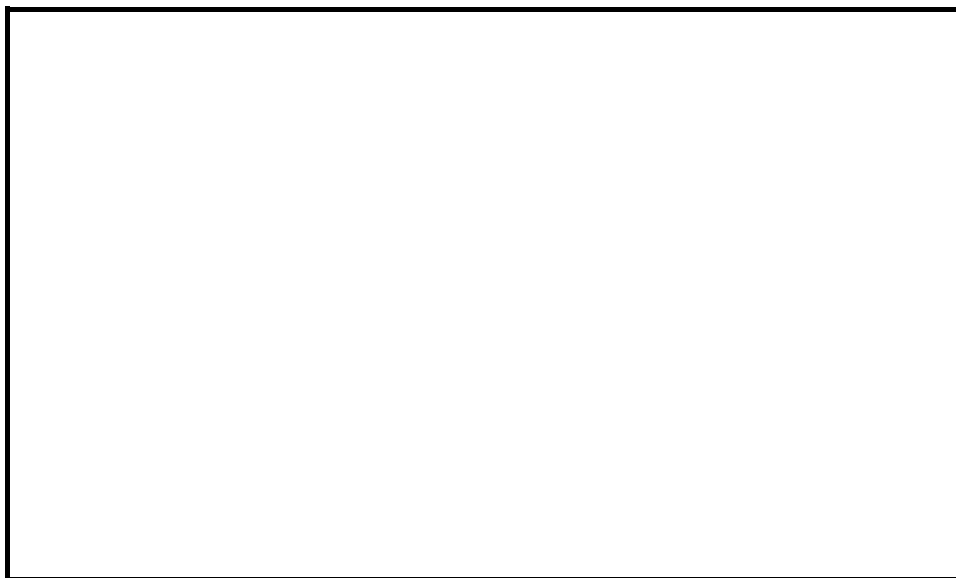
Photo Section — 2009 Kenes C. Bowling Reclamation Award Winners

2009 Winner in the Coal Category



Peabody Energy and Black Beauty Coal Company – Viking Mine (Indiana)

2009 Winner in the Noncoal Category



Iluka Resources, Inc. – Old Hickory Operation (Virginia)

2009 Minerals Education Award Winners

2009 Winners

The following were winners of the Compact's annual minerals education awards, which were presented during the awards banquet held in conjunction with the 2009 Annual Meeting in Anchorage, Alaska. The mining educator awareness award is presented to a teacher or school from one of the Compact's member states. The winner receives an engraved plaque and a \$500 award to go toward teaching materials. The public outreach award is presented to an industry, environmental, citizen, or other group from one of the Compact's member states, or to a member state government body. The public outreach award winner is presented with an engraved plaque of recognition.

Mining Educator Awareness Category Winner:

Chuck Campbell, Science Teacher, Russellville High School (Arkansas)

Public Outreach Category Winner:

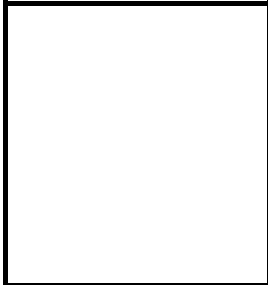
"Colorado Reader" produced by the Colorado Foundation for Agriculture (Colorado)

Honorable Mention: Public Outreach Category:

Illinois Coal Education Program of the Illinois Department of Commerce & Economic Opportunity, Office of Coal Development (Illinois)

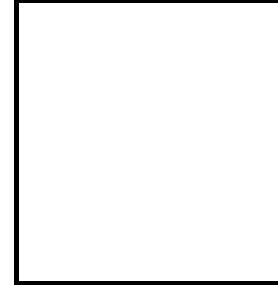
2009 IMCC Membership

Commissioner



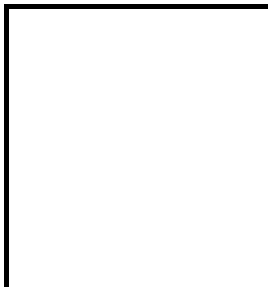
Governor
Bob Riley

Commissioner's Official Representative



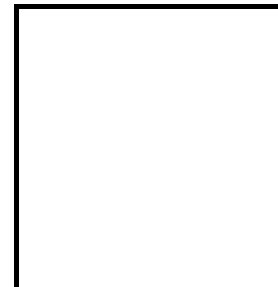
G. Thomas Surtees
Director
Department of
Industrial Relations

Alabama



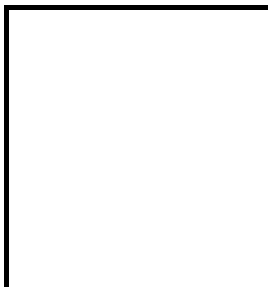
Governor
Mike Beebe

Arkansas

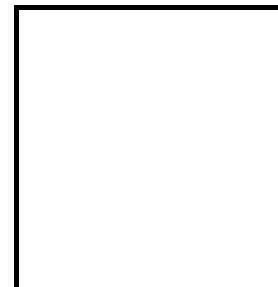


James F. Stephens
Chief
Surface Mining and
Reclamation Division

Illinois

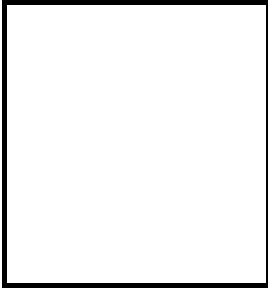


Governor
Pat Quinn



Marc Miller
Director
Department of
Natural Resources

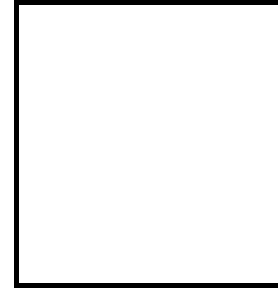
Commissioner



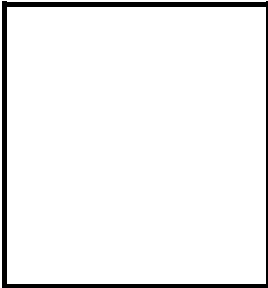
Governor
Mitchell E. Daniels, Jr.

Indiana

**Commissioner's Official
Representative**

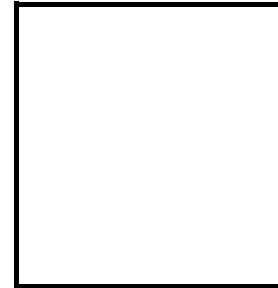


Ron McAhron
Deputy Director
Department of
Natural Resources

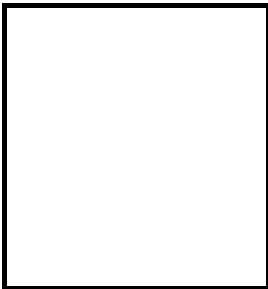


Governor
Steven L. Beshear

Kentucky

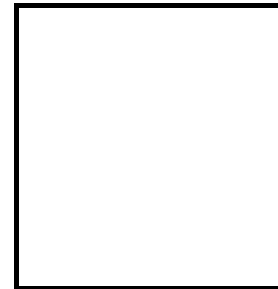


Dr. Leonard K. Peters
Secretary
Energy & Environment
Cabinet



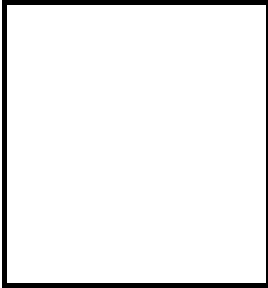
Governor
Bobby Jindal

Louisiana



Dale Bergquist
Chief, Surface Mining
Section
Office of Conservation

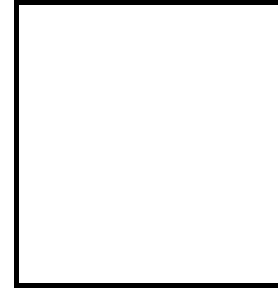
Commissioner



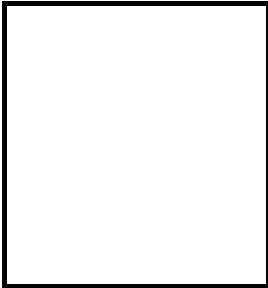
Governor
Martin O'Malley

Maryland

**Commissioner's Official
Representative**

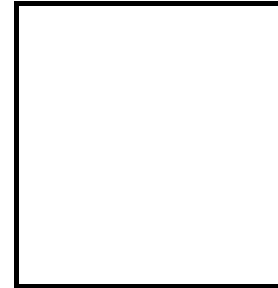


C. Edmon Larrimore
Administrator
Water Management
Administration

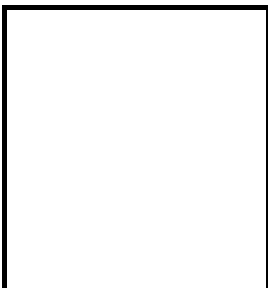


Governor
Jay Nixon

Missouri

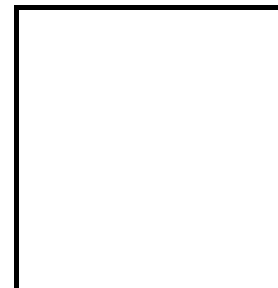


Mark Templeton
Director
Department of
Natural Resources



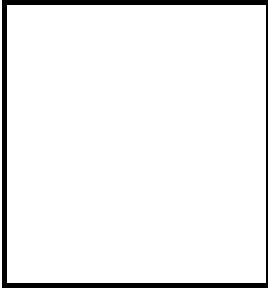
Governor
David A. Paterson

New York



Steven M. Potter
Director, Bureau of
Resource Mgmt. and
Development

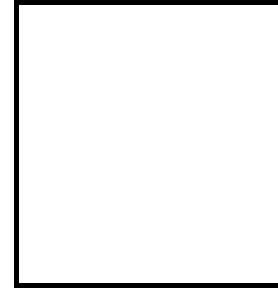
Commissioner



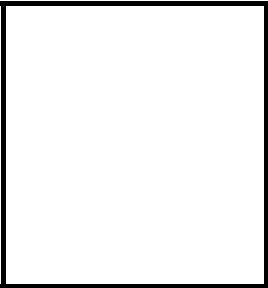
Governor
Beverly Eaves Perdue

North Carolina

**Commissioner's Official
Representative**

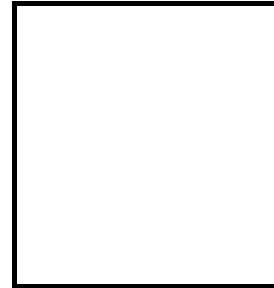


James D. Simons
State Geologist & Director
Department of
Environment and
Natural Resources

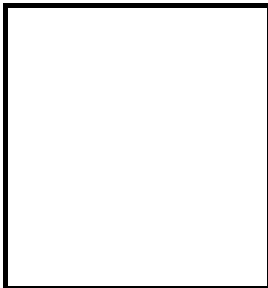


Governor
John Hoeven

North Dakota

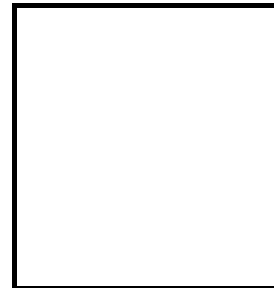


James R. Deutsch
Director
Reclamation Division
Public Service Commission



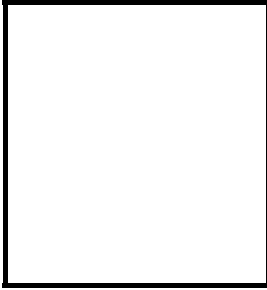
Governor
Ted Strickland

Ohio



Cathryn Loucas
Deputy Director
Department of
Natural Resources

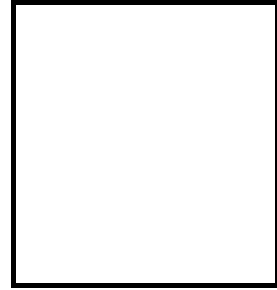
Commissioner



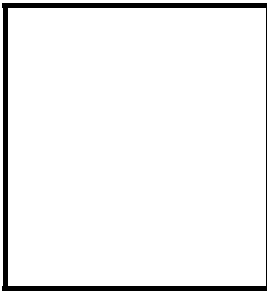
Governor
Brad Henry

Oklahoma

**Commissioner's Official
Representative**

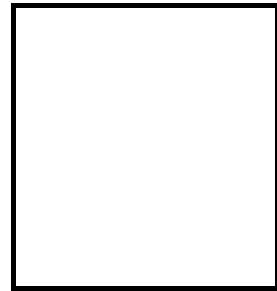


Robert A. Wegener
Secretary of Energy

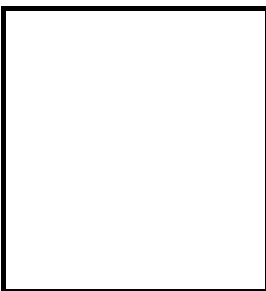


Governor
Edward G. Rendell

Pennsylvania

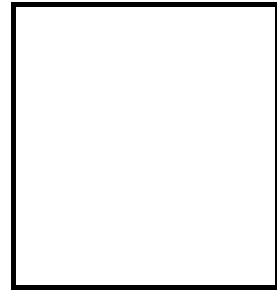


J. Scott Roberts
Deputy Secretary
Department of
Environmental Protection



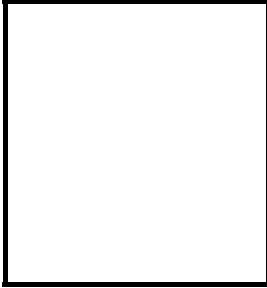
Governor
Mark Sanford

South Carolina



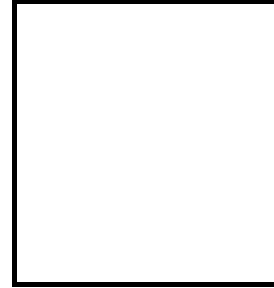
Ken R. Willingham
South Carolina
Mining Council

Commissioner



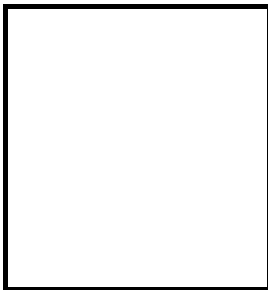
Governor
Phil Bredesen

**Commissioner's Official
Representative**



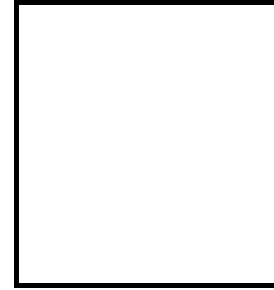
James H. Fyke
Commissioner
Department of
Environment and
Conservation

Tennessee



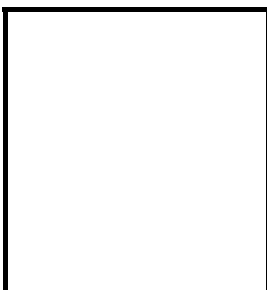
Governor
Rick Perry

Texas

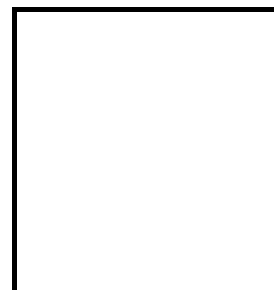


Michael L. Williams
Commissioner
Railroad Commission
of Texas

Virginia

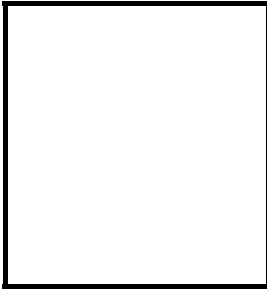


Governor
Timothy M. Kaine



Bradley C. (Butch)
Lambert
Deputy Director
Department of Mines,
Minerals and Energy

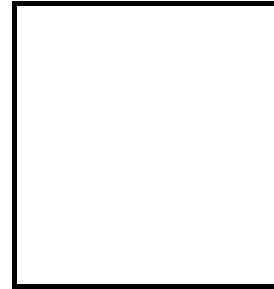
Commissioner



Governor
Joe Manchin III

West Virginia

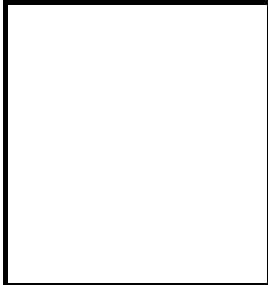
**Commissioner's Official
Representative**



Randy Huffman
Cabinet Secretary
Department of
Environmental Protection

2009 Associate Member States

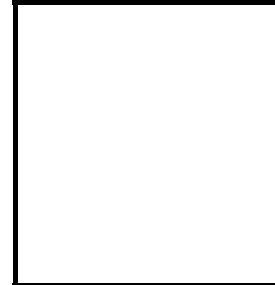
Commissioner



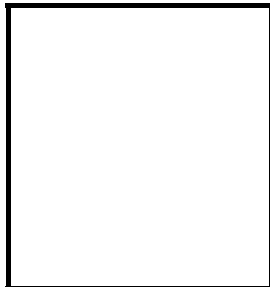
Governor
Sean Parnell

Alaska

Commissioner's Official Representative



Dick Mylius
Acting Director
Division of Mining, Land
and Water

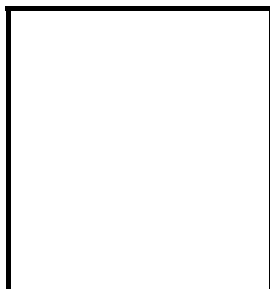


Governor
Bill Ritter, Jr.

Colorado

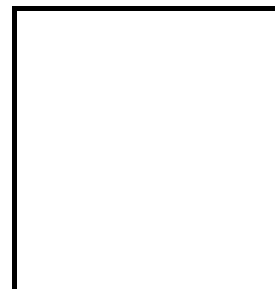


Ronald W. Cattany
Director, Div. of
Reclamation, Mining &
Safety, Dept. of Natural
Resources



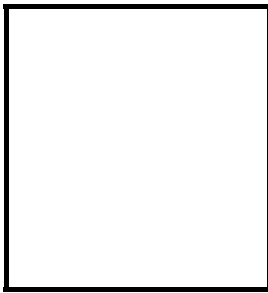
Governor
Bill Richardson

New Mexico



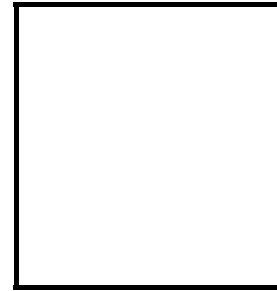
Bill Brancard
Director, Div. of Minerals
& Mining
Dept. of Energy, Minerals
& Natural Resources

Commissioner



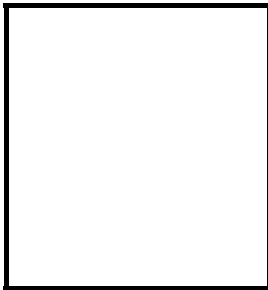
Governor
Gary R. Herbert

**Commissioner's Official
Representative**



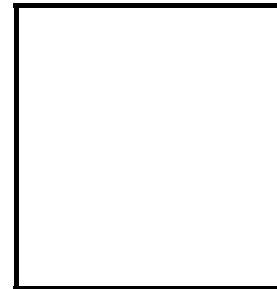
John Baza
Director
Division of Oil, Gas &
Mining

Utah



Governor
Dave Freudenthal

Wyoming



John Corra
Director
Department of
Environmental Quality

2010 Commissioners and Their Representatives

2010 Commissioners

New York

Governor David A. Paterson – Chairman

Vacant

Vice Chairman

Maryland

Governor Martin O'Malley – Treasurer

Alabama

Governor Bob Riley

Arkansas

Governor Mike Beebe

Illinois

Governor Pat Quinn

Indiana

Governor Mitchell E. Daniels, Jr.

Kentucky

Governor Steven L. Beshear

Louisiana

Governor Bobby Jindal

Missouri

Governor Jay Nixon

North Carolina

Governor Beverly Eaves Perdue

North Dakota

Governor John Hoeven

Ohio

Governor Ted Strickland

Oklahoma

Governor Brad Henry

Pennsylvania

Governor Edward G. Rendell

South Carolina

Governor Mark Sanford

Tennessee

Governor Phil Bredesen

Texas

Governor Rick Perry

Virginia

Governor Robert F. McDonnell

West Virginia

Governor Joe Manchin III

Associate Member States

Alaska

Governor Sean Parnell

Colorado

Governor Bill Ritter, Jr.

New Mexico

Governor Bill Richardson

Utah

Governor Gary R. Herbert

Wyoming

Governor Dave Freudenthal

Commissioner's Official Representatives — 2010

Alabama

G. Thomas Surtees
Director
Department of Industrial
Relations

Arkansas

James Stephens
Chief
Surface Mining and
Reclamation Division
Department of
Environmental Quality

Illinois

Marc Miller
Director
Department of Natural
Resources

Indiana

Ron McAhrn
Deputy Director
Department of Natural
Resources

Kentucky

Leonard K. Peters
Secretary
Energy and Environment
Cabinet

Louisiana

Dale Bergquist
Chief, Surface Mining
Section
Office of Conservation

Maryland

C. Edmon Larrimore
Program Manager
Department of the
Environment
Mining Program

Missouri

Mark Templeton
Director
Department of Natural
Resources

New York

Steven M. Potter
Director
Bureau of Research
Management & Development
Division of Mineral
Resources
Department of Environmental
Conservation

North Carolina

James D. Simons
State Geologist and Director
Division of Land Resources
Department of Environment
and Natural Resources

North Dakota

James R. Deutsch
Director, Reclamation
Division
Public Service Commission

Ohio

Cathryn Loucas
Deputy Director
Department of Natural
Resources

Oklahoma

Robert A. Wegener
Secretary of Energy

Pennsylvania

J. Scott Roberts
Deputy Secretary
Office of Mineral Resources
Management
Department of Environmental
Protection

South Carolina

R. Craig Kennedy
South Carolina Mining
Council

Tennessee

James H. Fyke
Commissioner
Department of Environment
and Conservation

Texas

Michael L. Williams
Commissioner
Railroad Commission of Texas

Virginia

Butch Lambert
Deputy Director
Department of Mines, Minerals
and Energy

West Virginia

Randy Huffman
Cabinet Secretary
Department of Environmental
Protection

Associate Member States

Alaska

Dick Mylius
Director
Division of Mining, Land & Water

Colorado

Loretta Pineda
Director
Division of Reclamation, Mining
& Safety
Department of Natural Resources

New Mexico

Bill Brancard
Director, Division of Mining &
Minerals
Department of Energy, Minerals &
Natural Resources

Utah

John Baza
Associate Director, Mining
Utah Division of Oil, Gas &
Mining

Wyoming

John Corra
Director
Department of Environmental
Quality

